



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Marketing Practices

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VIA FACSIMILE AND U.S. MAIL

March 20, 1997

Vincent F. Kilborn, III
Kilborn, Roebuck & Kilborn
1810 Old Government Street
Mobile, Alabama 36606

Dear Mr. Kilborn:

Thank you for your letters of October 17, 1996 and December 31, 1996. I apologize for the delay in responding to your inquiries.

In your letters, you raise the following issues: 1) whether it is a violation of FTC's Funeral Rule to lump groups of charges together under the category of "Funeral Ceremony"; 2) whether it is a violation of the FTC's Funeral Rule to fail to explain the mandatory Funeral Director and Staff Services Charge; 3) whether there is a private right of action under the Funeral Rule; and 4) whether there are any complaints against SCI, and how you may obtain them.

As you may know, the Commission is charged with the enforcement of the Federal Trade Commission Act, 15 U.S.C. § 41 *et seq.* ("FTC Act"), which prohibits unfair and deceptive practices, as well as enforcement of trade regulation rules enacted pursuant thereto, such as the Funeral Rule, 16 C.F.R. Part 453. The Funeral Rule requires that funeral providers give consumers accurate, itemized price lists, make disclosures regarding certain funeral goods and service and prohibits funeral providers from making certain misrepresentations regarding funeral goods and services.

First, you inquired as to whether it is a violation of the Funeral Rule to lump together a number of items under a single charge of \$600 for the "Funeral Ceremony." This price allegedly includes charges for embalming, visitation, funeral ceremony, graveside service, transfer remains to funeral home, funeral vehicle, casket/cremation casket, and clothing/shroud.

